IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.564 OF 2006

IN

SUMMARY SUIT NO.892 OF 2006

...

Indermal M. Kothari ...Plaintiff

v/s.

Arvind K. Pandya ...Defendant

...

Mr.Ramesh Jain for the Plaintiff.

Mr.V.S.Rao for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 13TH MARCH,2007

P.C.:

According to the Plaintiff, he had sold certain goods

to the Defendant. For price of those goods cheque was issued by the Defendant in favour of the Plaintiff. That cheque has been dishonoured.

2. The Defendant has filed reply. He does not dispute that he received the goods. He does not dispute that he issued the cheque and he also does not dispute that cheque has been dishonoured. Only submission that was made before me was that because of the dishonour of cheque the defendant was prosecuted under Section 138 of the Negotiable Instruments Act and in those proceedings the Defendant has deposited some amount in the court. According to the learned Counsel appearing for the Defendant conduct of the Defendant of depositing the amount in criminal court furnishes good defence to the Defendant in this civil suit.

3. The submissions made by the Defendant, obviously, is devoid of any merits. The Defendant has no defence to offer. The summons for judgment deserves to be granted. It is accordingly so granted. Suit of the Plaintiff is decreed in terms of prayer clauses of the suit. Refund of court fees as per rules.

. . .